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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,977	09/26/2005	Gerard Marmigere	FR920030013US1	1680
45095 7590 03/19/2008 HOFFMAN, WARNICK & D'ALESSANDRO LLC 75 STATE ST 14 FL ALBANY, NY 12207				
EXAMINER BLACKWELL, JAMES H				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,977

**Applicant(s)**

MARMIGERE ET AL.

**Examiner**

James H. Blackwell

**Art Unit**

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to an original application filed 09/26/2005.

Claims 1-10 are pending. Claim 1 is the independent claim.

### ***Specification***

The abstract of the disclosure is objected to because Applicants appear to have filed the first page of PCT/EP2004/002398 (WO 2004/086248 A1) as their Abstract. This page does contain an abstract. However, it also contains other information not related to the abstract. As filed, this Abstract is not in compliance with 37 CFR §1.72(b) which states, "A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

Therefore, Applicants must file a replacement Abstract compliant with 37 CFR §1.72(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 10 recites a “*computer-like readable medium*.” This phrase is not mentioned in the Specification. Therefore, the disclosure provides no guidance regarding the intended scope of the phrase.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9 recites an “apparatus” comprising “means” adapted for executing various functions. In light of the Specification, the examiner interprets the recited “means” as software modules. Thus, the “apparatus” of Claim 9 is software per se. Software per se is not patentable.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreau et al. (hereinafter Moreau, U.S. Patent No. 7,260,776 filed 06/26/2002, issued 08/21/2007).

**In regard to independent Claim 1, Moreau discloses:**

- *A method for optimizing tag based protocol stream parsing, using a reference tag table comprising at least one tag and a corresponding function name, said method comprising, each time a tag is read from said tag based protocol stream (Abstract; Fig. 1 → describes processing an XML document containing elements (i.e. tagged content) by use of an XML Schema for that document that has added to it functions to be executed when a particular document element is identified in the schema.), the steps of:*
  - *comparing said read tag and the tags of said reference tag table (Col. 10, lines 13-57, Fig. 1 → describes loading an XML document (and its associated schema, i.e. *reference tag table*) and the selection of a tag in the XML document. The tag can be either chosen manually by a user with, for example, a mouse, or the document can be automatically processed. In the latter case, the XML document is processed (e.g. parsed). A “current tag” (i.e. *read tag*) name is read from the XML document. This name is searched for in the schema document (i.e., *reference tag table*) and matched, if present, to its schema counterpart. Specifically, if the “current tag” is <character>Julien Sorel</character>, its corresponding tag*

in the schema is <xs:element name="character" type="xs:string"/> (see also Col. 7, schema listing)).

- *if said read tag belongs to said reference tag table, determining if a function name is associated to said tag belonging to said reference tag table (Col. 7, schema listing; Col. 10, line 57 through Col. 11, line 20 → describes identification of a match between the "current tag" and its schema counterpart. In the example schema listed in Col. 7, Moreau associates functions with particular element names located in the XML document. Having first identified a match, a declarative tag of a function associated with the matching tag is searched for and identified, if present.)*
- *if a function name is associated to said tag belonging to said reference tag table, executing the function corresponding to said function name associated to said tag belonging to said reference tag table (Col. 7, schema listing; Col. 10, line 57 through Col. 11, line 54 → Functions found are processed and either presented to the user for selection (once selected, the functions are executed), or in the case where a program replaces the user for automatic processing, a function is selected and executed).*

**In regard to dependent Claim 2, Moreau discloses:**

**Note:** Claim 2 appears to correspond to the following sequence of steps in

Figure 2: step 230:YES; step 240:YES; step 245; step 250:NO. Thus, a function can

only be executed if: (1) a tag (name) in the stream has a corresponding entry (name) in the ref. tag table, (2) an attribute name is associated with the corresponding entry (name) in the ref. tag table, (3) a corresponding attribute name (presumably the same as in the ref. tag table) is found associated with the tag (name) in the stream.

Also, the definition of an element, according to the Specification (Pg. 3, lines 4-5), is a starting tag, an ending tag, and everything in between these two tags, and the definition of an attribute is a name and/or an associated value included inside a tag of an element.

- *said reference tag table further comprises at least one attribute name associated to said at least one tag* (Col. 5, lines 30-40, Col. 7, schema listing → the XML document snippet depicted in Col. 5 contains a series of “elements.” Each of these “elements” has a corresponding “schema element” in the XML schema depicted in Col. 7 listing. In addition, each of the corresponding “schema elements” contains at least two attributes (name-value pairs), called name and type). Thus, Moreau discloses *a reference tag table* (XML schema) *that contains at least one attribute name associated to said at least one tag* (XML schema elements with attribute names/values).
- *the function corresponding to said function name associated to said tag belonging to said reference tag table being executed only if said attribute name is associated to said read tag in said tag based protocol stream* (Col. 7, schema listing → with the definitions of “element” and “attribute” in mind, the “schema element” whose “name” attribute value is “character” which corresponds to the

XML document "element" labeled "character" also includes two functions. Those functions will only be executed if the XML document contains an "element" labeled "character."

In other words, the functions "viewPicture" and "playText" are only executed if the XML document element labeled "character" is present. The label "character" corresponding to the "schema element" attribute labeled "name" whose value is "character").

**In regard to dependent Claim 3, Moreau discloses:**

- *said attribute name associated to said read tag is associated to a value, said value being used as a parameter by the function corresponding to said function name associated to said tag belonging to said reference tag table (Col. 7, schema listing → two functions are included in the "schema element" whose name attribute is "character", corresponding to the XML document "element" (i.e. tag) labeled "character." Both of these functions contain "argument elements." One of the argument elements is named "character." The value of "character" is obtained from the XML document (e.g., "Julien Sorel"). Thus, the value of "Julien Sorel" is assigned to the argument labeled "character" and is used as one of the input parameters to the functions "viewPicture" and "playText.").*



**In regard to dependent Claim 4, Moreau discloses:**

- *a same tag is associated to several sets of attributes in said reference tag table* (Col. 7, schema listing → keeping in mind the definition of an element and an attribute as listed above and in the Specification, Moreau contains multiple instances of the “schema element” <xs:argument/> associated with several sets of attributes (e.g., “author”, “character”, “title”)).

**In regard to dependent Claim 7, Moreau discloses:**

- *said tag based protocol stream is an eXtensible Markup Language (XML) stream* (see Col. 5, lines 30-40 → lists an XML document snippet that is processed by the system).

**In regard to dependent Claim 8, Moreau discloses:**

- *said reference tag table is associated to the a Document Type Definition defined in said XML stream* (Abstract; Col. 2, lines 17-27 → Moreau describes the use of XML schemas however, Moreau describes a DTD as a type of schema. Both the claimed DTD and Moreau's schema contain functions that can be executed based upon their association with “schema” elements which have corresponding XML file elements).

**In regard to Claim 9**, Claim 9 merely recites an apparatus comprising means adapted for carrying out the method of Claim 2. Thus, Moreau discloses every limitation for Claim 9, as indicated in the above rejection for Claim 2.

**In regard to Claim 10**, Claim 10 merely recites a computer-like readable medium comprising instructions for carrying out the method according to claim 2. Thus, Moreau discloses every limitation for Claim 10, as indicated in the above rejection for Claim 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau in view of Fry (U.S. Patent No. 6,880,125 filed 11/26/2002, issued 04/12/2005).

**In regard to dependent Claim 5**, Moreau fails to disclose:

- *the function corresponding to said function name associated to said tag belonging to said reference tag table comprises a skip function that allows the a parser to skip a determined amount of data following said read tag, the amount of data being either predetermined or being determined by an attribute value.*

Moreau teaches functions, but does not specifically teach a "skip function."

However, Fry describes a streaming parser API (Abstract; Col. 2, lines 21-35) that enhances the functionality of an XML parser such as SAX and gives a programmer more control over the parsing of an XML document. Enhancements are provided that allow a programmer to stop processing the document, skip ahead to specific sections of the document, and/or get subsections of the document as mini DOM trees.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Moreau and Fry as both inventions are related to the processing of XML content by software. Adding the disclosure of Fry provides the benefit of additional functionality that allows a parser to skip portions of an XML document as an aid to speed up processing.

**In regard to dependent Claim 6, Moreau fails to disclose:**

- the function corresponding to said function name associated to said tag belonging to said reference tag table comprises a save function that associates, in memory, a determined amount of data following said read tag to a predetermined label or to a label being given as an attribute value.*

Moreau teaches functions, but does not specifically teach a "save function."

However, Fry describes a streaming parser API (Abstract; Col. 2, lines 21-35) that enhances the functionality of an XML parser such as SAX and gives a programmer more control over the parsing of an XML document. Enhancements

are provided that allow a programmer to stop processing the document, skip ahead to specific sections of the document, and/or get subsections of the document as mini DOM trees. This "getting of subsections" amounts to functionality that stores or saves portions of the XML stream into DOM trees, at least in memory.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Moreau and Fry as both inventions are related to the processing of XML content by software. Adding the disclosure of Fry provides the benefit of additional functionality that allows a parser to store portions of an XML document so that those smaller portions can be operated on separately.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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03/13/2008

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